

106TH CONGRESS
2D SESSION

S. 3168

To eliminate any limitation on indictment for sexual offenses and make awards to States to reduce their DNA casework backlogs.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5 (legislative day, SEPTEMBER 22), 2000

Mr. TORRICELLI introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To eliminate any limitation on indictment for sexual offenses and make awards to States to reduce their DNA casework backlogs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sexual Assault Pros-
5 ecution Act of 2000”.

6 **SEC. 2. SEXUAL OFFENSE LIMITATION.**

7 (a) IN GENERAL.—Chapter 213 of title 18, United
8 States Code, is amended—

9 (1) in section 3283, by striking “sexual or”;
10 and

1 (2) by adding at the end the following:

2 **“§ 3296. Sexual offenses**

3 “An indictment for any offense committed in viola-
4 tion of chapter 109A of this title may be found at any
5 time without limitation.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
7 The table of sections for chapter 213 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

“3296. Sexual offenses.”.

10 **SEC. 3. AWARDS TO STATES TO REDUCE DNA CASEWORK**
11 **BACKLOG.**

12 (a) DEVELOPMENT OF PLAN.—

13 (1) IN GENERAL.—Not later than 45 days after
14 the date of enactment of this Act, the Director of
15 the Federal Bureau of Investigation, in coordination
16 with the Assistant Attorney General of the Office of
17 Justice Programs of the Department of Justice, and
18 after consultation with representatives of States and
19 private forensic laboratories, shall develop a plan to
20 grant voluntary awards to States to facilitate DNA
21 analysis of all casework evidence of unsolved crimes.

22 (2) OBJECTIVE.—The objective of the plan de-
23 veloped under paragraph (1) shall be to effectively
24 expedite the analysis of all casework evidence of un-
25 solved crimes in an efficient and effective manner,

1 and to provide for the entry of DNA profiles into the
2 combined DNA Indexing System (“CODIS”).

3 (b) AWARD CRITERIA.—The Federal Bureau of In-
4 vestigation, in coordination with the Assistant Attorney
5 General of the Office of Justice Programs of the Depart-
6 ment of Justice, shall develop criteria for the granting of
7 awards under this section including—

8 (1) the applying State’s number of unsolved
9 crimes awaiting DNA analysis; and

10 (2) the applying State’s development of a com-
11 prehensive plan to collect and analyze DNA evi-
12 dence.

13 (c) GRANTING OF AWARDS.—The Federal Bureau of
14 Investigation, in coordination with the Assistant Attorney
15 General of the Office of Justice Programs of the Depart-
16 ment of Justice, shall develop applications for awards to
17 be granted to States under this section, shall consider all
18 applications submitted by States, and shall disburse all
19 awards under this section.

20 (d) AWARD CONDITIONS.—States receiving awards
21 under this section shall—

22 (1) require that each laboratory performing
23 DNA analysis satisfies quality assurance standards
24 and utilizes state-of-the-art DNA testing methods,
25 as set forth by the Federal Bureau of Investigation

1 in coordination with the Assistant Attorney General
2 of the Office of Justice Programs of the Department
3 of Justice;

4 (2) ensure that each DNA sample collected and
5 analyzed be made available only—

6 (A) to criminal justice agencies for law en-
7 forcement purposes;

8 (B) in judicial proceedings if otherwise ad-
9 missible;

10 (C) for criminal defense purposes, to a
11 criminal defendant, who shall have access to
12 samples and analyses performed in connection
13 with any case in which such defendant is
14 charged; or

15 (D) if personally identifiable information is
16 removed, for a population statistics database,
17 for identification research and protocol develop-
18 ment purposes, or for quality control purposes;
19 and

20 (3) match the award by spending 15 percent of
21 the amount of the award in State funds to facilitate
22 DNA analysis of all casework evidence of unsolved
23 crimes.

24 (e) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Department of

1 Justice \$15,000,000 for each of fiscal years 2001, 2002,
2 2003, and 2004, for awards to be granted under this sec-
3 tion.

